

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEREMIAH THEDE,
Plaintiff,

v.

UNITED AIRLINES, INC.,
Defendant.

Case No. 17-cv-03528-PJH

**ORDER DISMISSING ACTION WITH
PREJUDICE FOR FAILURE TO
PROSECUTE**

Re: Dkt. No. 73, 75, 78

On January 12, 2021, the court ordered plaintiff to show cause why this action should not be dismissed for failure to prosecute under Rule 41(b). Dkt. 78 at 3. In it, the court detailed plaintiffs' failure to comply with his discovery obligations, failure to appear or retain substitute counsel, failure to appear for his various noticed and ordered depositions, and general failure to litigate this action. Id. at 1-3. The court permitted plaintiff until January 22, 2021 to file a response addressing these failures. Id. at 3-4. The court specifically cautioned plaintiff that, if he neglected to do so, the court will dismiss this action with prejudice for failure to comply with its prior orders and failure to prosecute under Rule 41(b). Id. at 4. The court further ordered defendant to immediately serve plaintiff with a copy of its January 12, 2021 order, id., which defendant did by post-mail that same day, Dkt. 79.

The court also ordered plaintiff's former counsel, Michael S. Danko and his law firm Danko Meredith (collectively, "attorney Danko"), to file a certification showing its compliance with the court's November 25, 2020 order requiring that it forward to plaintiff all filings made in this action between November 25, 2020 and December 31, 2020. Dkt. 78 at 3. On January 14, 2021, attorney Danko filed a declaration showing its compliance

1 with that requirement. Dkt. 80 ¶¶ 4-10.

2 To date, despite the above-referenced service by counsels in this action,
3 plaintiff has failed to file any response to the court's orders. Given that failure, the
4 court **DISMISSES** this action **WITH PREJUDICE** for failure to prosecute.

5 **IT IS SO ORDERED.**

6 Dated: January 21, 2021

7 /s/ Phyllis J. Hamilton

8 PHYLLIS J. HAMILTON
9 United States District Judge
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United States District Court
Northern District of California